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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,777	04/06/2006	Nashiro Iwata	03500.102897.	2531
5514 7590 12/31/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
NGUYEN, NGON BINH				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
12/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,777

Applicant(s)

IWATA ET AL.

Examiner

NGON NGUYEN

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 10/19/2009 has been entered:

Claims 1, and 4-7 have been amended.

No Claim(s) have been canceled.

Claims 9-11 have been added. Claims 1-11 are still pending in this application, with claim 1 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, and 9 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kuriyama et al. (US Patent No. 5,710,634).

With reference to claim 1, Kuriyama et al. discloses a known (prior art) apparatus, FIG 57, which has a scanner section and a printer section of a facsimile apparatus, column 2 lines 15-20, comprising:

an operation panel arranged in an upper front position of an apparatus main body (a keyboard, FIG 57/503, with a display section/panel, FIG 57/501, which are arranged in an upper front of the apparatus body. The display section/panel (lid) is supported by a

hinge portion, FIG 57/502, covers the keyboard, FIG 57/503, in a close position, column 1 lines 24-33);

a display unit arranged in a upper portion of the apparatus main body, closably arranged relative to said operation panel, located in an upper rear position of said operation panel upon opening, and overlaid onto said operation panel upon closing (a display section, FIG 57/501, which may have a touch panel serves as a pointing device enabling entry of input data by a direct touch of a finger with a portion of touch panel on a desired portion of an image displayed on display unit, column 7 lines 55-65, is arranged in a upper portion of the apparatus main body closable or pivotally movable about a hinge in an upper rear portion of the keyboard (operation panel), FIG 57/502, and covers (overlays onto) the keyboard (operation panel), FIG 57/503, in a close position, column 1 lines 24-35);

a document inserting port arranged in the upper portion of the apparatus main body, for inserting a document from a location to the rear of said display unit when said display unit is closed (three paper trays, FIG 57/507, locates on a location to the rear of the display section/panel, FIG 57/501, for a user to insert document or an original for scanning, FIG 68, (display section/panel may be closed for conveniently using the trays), column 2 lines 11-59);

a recording paper inserting port arranged in the upper portion of the apparatus main body, for inserting a recording sheet from a location to the rear of said display unit when said display unit is closed (three paper trays, FIG 57/507, locates on a location to the rear of the display section/panel, FIG 57/501, for a user to insert recording paper for

printing, FIG 69, (display section/panel may be closed for using the trays), column 2 lines 11-67 and column 3 lines 1-3);

With reference to claim 2 (depends on claim 1), Kuriyama et al. further discloses the apparatus, wherein:

display unit is rotated around a rotational center portion as a fulcrum provided for the rear portion of said operation panel, so that it is opened or closed to said operation panel (a display section, FIG 57/501, which is arranged in a upper portion of the apparatus main body, is closable or pivotally movable about a hinge (fulcrum) in an upper rear portion of the keyboard (operation panel), FIG 57/502, and covers (overlays onto) the keyboard (operation panel), FIG 57/503, in a close position, column 1 lines 24-35);

With reference to claim 3 (depends on claim 1), Kuriyama et al. further discloses the apparatus, wherein:

an opening angle of said display unit is variable (the display section, FIG 57/501, is supported by a hinge portion, FIG 57/502, thus the display portion/panel is pivotally closed or open and therefore the opening angle is variable, column 1 lines 24-33).

With reference to claim 9 (depends on claim 1), Kuriyama et al. further discloses the apparatus, wherein:

display unit does not cover said document inserting port and said recording paper inserting port (the display section/units, FIG 57/501, when being closed does not cover the document and recording paper inserting ports, FIG 57/507).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al. (US Patent No. 5,710,634), as applied to claim 1 above, and further in view of Aibara et al. (US Patent No. 6,011,634).

With reference to claim 4 (depends on claim 1), Kuriyama et al. further discloses the apparatus comprising:

a first display apparatus arranged on a first surface of said display unit (the inner surface of a display section (lid), FIG 57/50, which faces the keyboard (operation panel), can be designated as the first surface of the display unit, column 1 lines 24-35);

Kuriyama et al. does not disclose the following disclosed by Aibara et al.:

a second display apparatus arranged on a second surface of said display unit opposite to said first surface (a plurality of LED displays, Aibara; FIG 13/45, are mounted/arranged on the opposite side of the display panel (lid), Aibara; FIG 14/3, which can be designated as the second surface of the lid assembly, Aibara; column 17 lines 37-39);

when said display unit is opened, said first display apparatus is exposed and said second display apparatus is hidden from a user, and when said display unit is closed, said first display apparatus is hidden and said second display apparatus is exposed to the user (when the lid assembly is opened the first surface is exposed to user while the second display is hidden from the user and vice versa, Aibara; FIG 13/3 and FIG 14/3).

Reference Aibara discloses an evidence of a design option in arranging LED displays (second display) or the like on the second surface or the top surface of the display panel or lid when it is closed. Therefore one having an ordinary skill in the art at the time of the invention was made would have been motivated to modify the apparatus of Kuriyama using Aibara design options to provide user for example a second display option, which indicates, for example, the operation status of the apparatus.

With reference to claim 5 (depends on claim 4), Aihara et al. further discloses the facsimile equipment, wherein:

a first button group and a second button group are arranged on said operation panel, when said display unit is closed, said first button group is hidden and said second button group is exposed to the user, and when said display unit is opened, both of said first button group and said second button group are exposed to the user (the first button group, Aibara; FIG 14/40, which is hidden from user when the lid assembly, Aibara; FIG 14/3, is closed while the second button group, Aibara; FIG 13/41, is exposed to user. Both are exposed to user when the lid assembly is opened).

With reference to claim 6 (depends on claim 5), Aihara et al. further discloses the facsimile equipment wherein:

the first button group is buttons regarding the operation of contents which are displayed to said first display apparatus and the second button group is buttons by which the operation can be executed only by displaying onto said second display apparatus without displaying onto said first display apparatus (operation module, Aibara; FIG 4/10, interfaces with the display module, Aibara; FIG 4/13, which operate the LCD display, FIG 8/84, designated as the first display. The second display, Aibara; FIG 13/45, emits light when receiving a signal from the amplification circuit, Aibara; FIG 5/44, when the transmission/reception button, Aibara; FIG 5/4 or FIG 14/41, is depressed, Aibara; column 14 lines 54-65).

With reference to claim 7 (depends on claim 4), Aihara et al. further discloses the facsimile equipment wherein:

a third button group is arranged in an area out of an area of said first display apparatus of said first surface, the user is notified of functions of said third button group by displaying onto said first display apparatus, and the functions of said third button group are changed due to a change in contents displayed to said first display apparatus (the third button group being the displayed options in the form of graphic user interface that allow user to select or interact during system operation, Aibara; columns 23 lines 15-28. The displayed options or software keys (touch keys) are changed as required for different operation).

With reference to claim 8 (depends on claim 4), Aihara et al. discloses the facsimile equipment further comprising:

detecting means for detecting opening/closure of said display unit, wherein when said display unit is opened, said first display apparatus is set to a display mode and said second display apparatus is set to a non-display mode, and when said display unit is closed, said first display apparatus is set to the non-display mode and said second display apparatus is set to the display mode (the interlock power switch turns off the first display (non-display mode) when the lid assembly, Aibara; FIG 14/3, is closed, Aibara; column 3 lines 42-55. When the lid is closed, the second display, Aibara; FIG 13/45, emits light when receiving a signal from the amplification circuit, Aibara; FIG 5/44, when the transmission/reception button, Aibara; FIG 5/4 or FIG 14/41, is depressed, column 14 lines 54-65).

With reference to claim 10 (depends on claim 5), Aihara et al. further discloses the facsimile equipment wherein:

the second button group includes buttons regarding telephone operation (the second button group or the transmission/reception key, Aibara; FIG 13/41, is required to be depressed to turn on, Aibara; FIG 27/S714, for the phone connection/operation when the phone number is dialed using the numeric keys on the keyboard, Aibara; FIG 14/40, and column 26 lines 25-44).

With reference to claim 11 (depends on claim 10), Aihara et al. further discloses the facsimile equipment wherein:

the second button group includes numeral buttons which are used when the user pushes a telephone number (the second button group or the transmission/reception key, Aibara; FIG 13/41, is required to be depressed to turn on, Aibara; FIG 27/S714, for the phone connection/operation in associated with the telephone number being dialed /pushed by user, Aibara; FIG 14/40, and column 26 lines 25-44).

Response to Arguments

6. Applicant's arguments, with regards to claims 1-8 filed April 6, 2006 and claims 1-11 amended October 19/2009 have been fully considered but are not persuasive.
7. Applicant should note that the claimed subject matter, not the specification, is the measure of the invention.
8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments, with regards to other claims (depend on claim 1) that "The other claims in this application are each dependent from Claim 1, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, respectively, of the patentability of each on its own merits is respectfully requested"
10. The examiner respectfully disagrees with applicant's arguments because the same answer as above is applied and, in combination, Kuriyama and Aibara discloses

the limitations of dependent claims 4-8, and 10-11 as applied to claim rejections 4-8, and 10-11 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ngon Nguyen whose telephone number is (571) 270-7533. The examiner can normally be reached on 7:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisor Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NGON NGUYEN/

Examiner, Art Unit 2625

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 2625